

# HOUSE BILL 895

I3, K3

~~EMERGENCY BILL~~

6lr0332  
CF SB 387

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By: **The Speaker (By Request – Administration) and Delegates Acevero, Allen, Amprey, Behler, Bhandari, Boafu, Coley, Ebersole, Edelson, Fennell, Foley, Forbes, Griffith, Guyton, Harrison, Hill, Hornberger, Ivey, D. Jones, Kaufman, Kerr, Lewis, Mireku–North, Moon, Moreno, Palakovich Carr, Pasteur, Patterson, Phillips, Pruski, Roberts, Ruff, Simmons, Simpson, Solomon, Spiegel, Stewart, Taveras, Toles, Tomlinson, Turner, Vogel, Watson, White Holland, Wims, Woods, and Ziegler**

Introduced and read first time: February 4, 2026

Assigned to: Economic Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 8, 2026

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 ~~Food Retailers – Dynamic Pricing, Surveillance Data, and Collective Bargaining~~  
3 ~~Agreements~~

4 Consumer Protection – Price Setting of Consumer Goods and Services and Use  
5 of Protected Class Data  
6 **(Protection From Predatory Pricing Act)**

7 FOR the purpose of prohibiting a food retailer and a third-party food delivery service  
8 provider from engaging in the practice of dynamic pricing or using consumer  
9 ~~surveillance~~ personal data to set a price for consumer goods or services; prohibiting  
10 a food retailer and a third-party food delivery service provider from using protected  
11 class data to offer, advertise, or sell a consumer good or service under certain  
12 circumstances; ~~prohibiting a food retailer from diminishing or impairing any right~~  
13 ~~or benefit guaranteed to employees of the food retailer under an existing collective~~  
14 ~~bargaining agreement or memorandum of understanding under certain~~  
15 ~~circumstances~~; prohibiting a merchant from setting the price of consumer goods or  
16 services using certain dynamic pricing or personal data and issuing a certain  
17 communication in a certain manner unless the merchant includes a certain clear and  
18 conspicuous disclosure statement; making ~~a certain violation~~ violations of this Act  
19 an unfair, abusive, or deceptive trade practice that is subject to enforcement and

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 penalties under the Maryland Consumer Protection Act; and generally relating to  
 2 ~~the regulation of food retailers~~ consumer protections regarding the setting of prices  
 3 for consumer goods and services and the use of protected class data.

4 BY adding to

5 Article – Commercial Law  
 6 Section 13–321 and 13–322  
 7 Annotated Code of Maryland  
 8 (2025 Replacement Volume)

9 BY repealing and reenacting, with amendments,

10 Article – Commercial Law  
 11 Section 13–408 and 13–411  
 12 Annotated Code of Maryland  
 13 (2025 Replacement Volume)

14 BY repealing and reenacting, without amendments,

15 Article – Commercial Law  
 16 Section 14–4701(a) and (w)  
 17 Annotated Code of Maryland  
 18 (2025 Replacement Volume)

19 ~~BY adding to~~

20 ~~Article – Labor and Employment~~  
 21 ~~Section 4–406~~  
 22 ~~Annotated Code of Maryland~~  
 23 ~~(2025 Replacement Volume)~~

24 BY repealing and reenacting, without amendments,

25 Article – Tax – General  
 26 Section 11–206(c)  
 27 Annotated Code of Maryland  
 28 (2022 Replacement Volume and 2025 Supplement)

29 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
 30 That the Laws of Maryland read as follows:

31 **Article – Commercial Law**

32 **13–321.**

33 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
 34 INDICATED.

35 ~~(2) “ARTIFICIAL INTELLIGENCE” HAS THE MEANING STATED IN §~~  
 36 ~~3.5–801 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.~~

1           ~~(3)~~ (2)       (I)    “DYNAMIC PRICING” MEANS THE PRACTICE OF  
2 VARYING THE PRICES OF CONSUMER GOODS OR SERVICES WITHIN ~~A~~ THE SAME  
3 BUSINESS DAY BASED ON DEMAND OR OTHER FACTORS, ~~INCLUDING THROUGH THE~~  
4 ~~USE OF ARTIFICIAL INTELLIGENCE OR MODELS THAT RETRAIN OR RECALIBRATE~~  
5 ~~BASED ON RECEIVED INFORMATION IN NEAR-REAL TIME.~~

6                       (II)   “DYNAMIC PRICING” DOES NOT INCLUDE ~~THE~~:

7                       1.    THE USE OF PROMOTIONAL PRICING OFFERS,  
8 LOYALTY PROGRAM BENEFITS, OR OTHER TEMPORARY DISCOUNTS OR CHANGES TO  
9 PRICING RELATED TO RETENTION OF EXISTING CUSTOMERS;

10                      2.    A DIFFERENCE IN PRICE BASED ON OBJECTIVE COSTS  
11 ATTRIBUTABLE TO PROVIDING CONSUMER GOODS OR SERVICES TO DIFFERENT  
12 CONSUMERS, SUCH AS A DIFFERENCE IN PRICE CAUSED BY SHIPPING COSTS OR  
13 TAXES BASED ON A CONSUMER’S PHYSICAL LOCATION;

14                      3.    A DISCOUNTED PRICE OFFERED TO A CONSUMER  
15 THROUGH A CLEAR AND CONSPICUOUS DISCLOSURE ON A MERCHANT’S WEBSITE  
16 THAT LISTS ALL ELIGIBILITY CRITERIA, THE AVAILABLE DISCOUNT, AND ANY  
17 CONDITIONS FOR RECEIVING OR EARNING THE DISCOUNTED PRICE THAT IS:

18                      A.   BASED ON PUBLICLY DISCLOSED ELIGIBILITY  
19 CRITERIA THAT ANY CONSUMER COULD SATISFY, SUCH AS AN ELECTION TO RECEIVE  
20 PROMOTIONAL MATERIALS OR PARTICIPATE IN PROMOTIONAL EVENTS;

21                      B.   OFFERED TO MEMBERS OF A BROADLY DEFINED  
22 GROUP, INCLUDING TEACHERS, ACTIVE OR RETIRED SERVICE MEMBERS, SENIOR  
23 CITIZENS, STUDENTS, OR RESIDENTS OF A CERTAIN AREA BASED ON PUBLICLY  
24 DISCLOSED ELIGIBILITY CRITERIA; OR

25                      C.   OFFERED THROUGH A LOYALTY, MEMBERSHIP, OR  
26 REWARDS PROGRAM THAT IS PUBLICLY OFFERED TO ALL CONSUMERS WHO  
27 AFFIRMATIVELY CONSENT TO THE PROGRAM;

28                      4.    A PRICE CORRECTION RESULTING FROM A PRICING  
29 ERROR; OR

30                      5.    RESETTING A PRICE FOLLOWING A SYSTEM OR  
31 NETWORK OUTAGE.

32                      ~~(4)~~ (3)       “FOOD RETAILER” MEANS A MERCHANT THAT OPERATES A  
33 BUSINESS ESTABLISHMENT THAT:

1 (I) HAS A MINIMUM OF 15,000 SQUARE FEET; AND

2 (II) SELLS FOOD THAT IS EXEMPT FROM THE SALES AND USE  
3 TAX IN ACCORDANCE WITH § 11-206(C) OF THE TAX – GENERAL ARTICLE.

4 ~~(5) (4) “SURVEILLANCE PERSONAL DATA” MEANS CONSUMER~~  
5 ~~INFORMATION COLLECTED AND TRACKED BY TECHNOLOGICAL METHODS, SYSTEMS,~~  
6 ~~OR TOOLS, SUCH AS SENSORS, CAMERAS, DEVICE TRACKING, BIOMETRIC~~  
7 ~~MONITORING, OR OTHER FORMS OF OBSERVATION OR DATA COLLECTION, THAT ARE~~  
8 ~~CAPABLE OF GATHERING PERSONALLY IDENTIFIABLE INFORMATION ABOUT A~~  
9 ~~CONSUMER’S BEHAVIOR, CHARACTERISTICS, LOCATION, OR OTHER PERSONAL~~  
10 ~~ATTRIBUTES, WHETHER IN A PHYSICAL OR DIGITAL ENVIRONMENT HAS THE~~  
11 MEANING STATED IN § 14-4701 OF THIS ARTICLE.

12 (5) (I) “THIRD-PARTY FOOD DELIVERY SERVICE PROVIDER”  
13 MEANS A MERCHANT THAT PROVIDES AS A CONSUMER SERVICE THE DELIVERY OF  
14 FOOD THAT IS EXEMPT FROM THE SALES AND USE TAX IN ACCORDANCE WITH § 11-  
15 206(C) OF THE TAX – GENERAL ARTICLE.

16 (II) “THIRD-PARTY FOOD DELIVERY SERVICE PROVIDER” DOES  
17 NOT INCLUDE A FOOD RETAILER.

18 (B) A FOOD RETAILER OR THIRD-PARTY FOOD DELIVERY SERVICE  
19 PROVIDER MAY NOT ENGAGE IN DYNAMIC PRICING OR USE ~~SURVEILLANCE~~  
20 PERSONAL DATA TO SET A PRICE FOR CONSUMER GOODS OR SERVICES FOR A SINGLE  
21 CONSUMER OR A GROUP OF CONSUMERS.

22 (C) A FOOD RETAILER OR THIRD-PARTY FOOD DELIVERY SERVICE  
23 PROVIDER MAY NOT USE PROTECTED CLASS DATA TO OFFER, ADVERTISE, OR SELL  
24 A CONSUMER GOOD OR SERVICE TO A CONSUMER FOR WHOM THE PROTECTED CLASS  
25 DATA PERTAINS IF THE USE OF THE PROTECTED CLASS DATA HAS THE EFFECT OF  
26 WITHHOLDING OR DENYING FROM THE CONSUMER AN ACCOMMODATION, AN  
27 ADVANTAGE, OR A PRIVILEGE ACCORDED TO OTHERS.

28 (D) (1) BEFORE INITIATING AN ENFORCEMENT ACTION UNDER SUBTITLE  
29 4 OF THIS TITLE FOR A VIOLATION OF THIS SECTION, THE DIVISION SHALL ISSUE A  
30 NOTICE OF VIOLATION TO THE ALLEGED VIOLATOR.

31 (2) THE DIVISION SHALL PROVIDE THE ALLEGED VIOLATOR 45 DAYS  
32 AFTER THE NOTICE OF VIOLATION IS RECEIVED TO CURE THE VIOLATION.

33 (3) IF THE ALLEGED VIOLATOR CURES THE VIOLATION WITHIN THE  
34 TIME PERIOD SPECIFIED UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE

1 DIVISION MAY NOT INITIATE AN ENFORCEMENT ACTION FOR A VIOLATION OF THIS  
2 SECTION.

3 13-322.

4 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
5 INDICATED.

6 (2) “CLEAR AND CONSPICUOUS DISCLOSURE” MEANS DISCLOSURE:

7 (I) IN THE SAME MEDIUM AS, AND PROVIDED ON, AT, OR NEAR  
8 AND CONTEMPORANEOUS WITH, EACH COMMUNICATION OF A PRICE FOR WHICH  
9 NOTICE IS REQUIRED; AND

10 (II) USING LETTERING AND WORDING THAT IS EASILY VISIBLE  
11 AND UNDERSTANDABLE TO A CONSUMER.

12 (3) “COMMUNICATION” MEANS A DISPLAY, AN IMAGE, AN OFFER, OR  
13 AN ANNOUNCEMENT.

14 (4) “DYNAMIC PRICING” HAS THE MEANING STATED IN § 13-321 OF  
15 THIS SUBTITLE.

16 (5) “PERSONAL DATA” HAS THE MEANING STATED IN § 14-4701 OF  
17 THIS ARTICLE.

18 (B) THIS SECTION DOES NOT APPLY TO:

19 (1) CONDUCT OF A MERCHANT THAT IS REGULATED UNDER THE  
20 INSURANCE ARTICLE;

21 (2) CONDUCT OF A FOOD RETAILER OR THIRD-PARTY FOOD  
22 DELIVERY SERVICE PROVIDER SUBJECT TO § 13-321 OF THIS SUBTITLE;

23 (3) (I) A FINANCIAL INSTITUTION, AS DEFINED IN § 1-101 OF THE  
24 FINANCIAL INSTITUTIONS ARTICLE; OR

25 (II) A FINANCIAL INSTITUTION OR AN AFFILIATE OF A  
26 FINANCIAL INSTITUTION THAT IS SUBJECT TO TITLE V OF THE  
27 GRAMM-LEACH-BLILEY ACT; OR

28 (4) A LOWER PRICE THAT IS OFFERED TO A CONSUMER WHO IS AN  
29 EMPLOYEE OF THE MERCHANT.

1 (C) A MERCHANT MAY NOT SET THE PRICE OF A CONSUMER GOOD OR  
2 SERVICE USING DYNAMIC PRICING OR PERSONAL DATA AND DIRECTLY OR  
3 INDIRECTLY ADVERTISE OR PROMOTE, INCLUDE ON A LABEL, OR PUBLISH ANY  
4 OTHER COMMUNICATION CONTAINING THE PRICE, UNLESS THE MERCHANT  
5 INCLUDES WITH THE ADVERTISEMENT, PROMOTION, LABEL, OR OTHER  
6 COMMUNICATION A CLEAR AND CONSPICUOUS DISCLOSURE WITH THE FOLLOWING  
7 STATEMENT:

8 “THIS PRICE WAS SET BY AN ALGORITHM OR BY USING YOUR  
9 PERSONAL DATA”.

10 (D) (1) BEFORE INITIATING AN ENFORCEMENT ACTION UNDER SUBTITLE  
11 4 OF THIS TITLE FOR A VIOLATION OF THIS SECTION, THE DIVISION SHALL ISSUE A  
12 NOTICE OF VIOLATION TO THE ALLEGED VIOLATOR.

13 (2) THE DIVISION SHALL PROVIDE THE ALLEGED VIOLATOR 45 DAYS  
14 AFTER THE NOTICE OF VIOLATION IS RECEIVED TO CURE THE VIOLATION.

15 (3) IF THE ALLEGED VIOLATOR CURES THE VIOLATION WITHIN THE  
16 TIME PERIOD SPECIFIED UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE  
17 DIVISION MAY NOT INITIATE AN ENFORCEMENT ACTION FOR A VIOLATION OF THIS  
18 SECTION.

19 13-408.

20 (a) THIS SECTION DOES NOT APPLY TO A VIOLATION OF § 13-321 OR §  
21 13-322 OF THIS TITLE.

22 (B) In addition to any action by the Division or Attorney General authorized by  
23 this title and any other action otherwise authorized by law, any person may bring an action  
24 to recover for injury or loss sustained by him as the result of a practice prohibited by this  
25 title.

26 [(b)] (C) Any person who brings an action to recover for injury or loss under this  
27 section and who is awarded damages may also seek, and the court may award, reasonable  
28 attorney’s fees.

29 [(c)] (D) If it appears to the satisfaction of the court, at any time, that an action  
30 is brought in bad faith or is of a frivolous nature, the court may order the offending party  
31 to pay to the other party reasonable attorney’s fees.

32 [(d)] (E) Notwithstanding any other provision of this section, a person may not  
33 bring an action under this section to recover for injuries sustained as a result of the  
34 professional services provided by a health care provider, as defined in § 3-2A-01 of the  
35 Courts Article.

1 13-411.

2 (A) THIS SECTION DOES NOT APPLY TO A VIOLATION OF § 13-321 OR §  
3 13-322 OF THIS TITLE.

4 [(a)] (B) Except as provided in subsection [(b)] (C) of this section, any person  
5 who violates any provision of this title is guilty of a misdemeanor and, unless another  
6 criminal penalty is specifically provided elsewhere, on conviction is subject to a fine not  
7 exceeding \$1,000 or imprisonment not exceeding one year or both, in addition to any civil  
8 penalties.

9 [(b)] (C) A person may not be imprisoned for violation of any provision of an  
10 order of the Attorney General or an agreement of a party relating to unit pricing under  
11 Title 14, Subtitle 1 of this article.

12 14-4701.

13 (a) In this subtitle the following words have the meanings indicated.

14 (w) (1) “Personal data” means any information that is linked or can be  
15 reasonably linked to an identified or identifiable consumer.

16 (2) “Personal data” does not include:

17 (i) De-identified data; or

18 (ii) Publicly available information.

19 ~~Article Labor and Employment~~

20 ~~4-406.~~

21 ~~(A) IN THIS SECTION, “FOOD RETAILER” HAS THE MEANING STATED IN §~~  
22 ~~13-321 OF THE COMMERCIAL LAW ARTICLE.~~

23 ~~(B) A FOOD RETAILER MAY NOT IMPLEMENT AN ADMINISTRATIVE,~~  
24 ~~OPERATIONAL, OR ORGANIZATIONAL CHANGE THAT DIMINISHES OR IMPAIRS ANY~~  
25 ~~RIGHT OR BENEFIT GUARANTEED TO EMPLOYEES OF THE FOOD RETAILER UNDER~~  
26 ~~AN EXISTING COLLECTIVE BARGAINING AGREEMENT OR MEMORANDUM OF~~  
27 ~~UNDERSTANDING UNLESS THE CHANGE IS NEGOTIATED AND MUTUALLY AGREED ON~~  
28 ~~WITH THE EXCLUSIVE REPRESENTATIVE OF THE EMPLOYEES.~~

29 ~~(C) A PERSON MAY BRING AN ACTION TO RECOVER FOR INJURY OR LOSS~~  
30 ~~SUSTAINED AS A RESULT OF A VIOLATION OF THIS SECTION.~~

1 ~~(D) A PERSON WHO BRINGS AN ACTION TO RECOVER FOR INJURY OR LOSS~~  
2 ~~UNDER THIS SECTION AND WHO IS AWARDED DAMAGES MAY ALSO SEEK, AND THE~~  
3 ~~COURT MAY AWARD, REASONABLE ATTORNEY'S FEES.~~

4 ~~(E) IF IT APPEARS TO THE SATISFACTION OF THE COURT, AT ANY TIME,~~  
5 ~~THAT AN ACTION IS BROUGHT IN BAD FAITH OR IS OF A FRIVOLOUS NATURE, THE~~  
6 ~~COURT MAY ORDER THE OFFENDING PARTY TO PAY TO THE OTHER PARTY~~  
7 ~~REASONABLE ATTORNEY'S FEES.~~

8 **Article – Tax – General**

9 11-206.

10 (c) (1) Except as provided in paragraph (2) of this subsection, the sales and  
11 use tax does not apply to a sale of food for consumption off the premises by a food vendor  
12 who operates a substantial grocery or market business at the same location where the food  
13 is sold.

14 (2) The exemption under paragraph (1) of this subsection does not apply to:

15 (i) food that the vendor serves for consumption on the premises of  
16 the buyer or of a third party; or

17 (ii) food for immediate consumption.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act ~~is an emergency~~  
19 ~~measure, is necessary for the immediate preservation of the public health or safety, has~~  
20 ~~been passed by a yea and nay vote supported by three fifths of all the members elected to~~  
21 ~~each of the two Houses of the General Assembly, and shall take effect from the date it is~~  
22 ~~enacted~~ shall take effect October 1, 2026.

Approved:

\_\_\_\_\_  
Governor.

\_\_\_\_\_  
Speaker of the House of Delegates.

\_\_\_\_\_  
President of the Senate.